

REGULAR CITY COUNCIL MEETING
SEPTEMBER 12, 1994

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member

ABSENT

Dorothy Jeffery	City Recorder
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OTHERS PRESENT

Judy Baker	City Treasurer
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Roger Roper	State Historic Preservation Commission
Jim Mitchell	Cherrywood Estates Subdivision
June Reid	Great Basin Historical Society
Charlotte Morrison	Great Basin Historical Society

Mayor Dafoe called the meeting to order at 7:00 p.m. Judy Baker, City Treasurer, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio stations, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held August 22, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. there being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held September 2, 1994, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that he accounts payable be approved for payment as listed in the amount of \$44,474.60. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE

Attorney Richard Waddingham asked that this item be tabled until the next Regular City Council Meeting.

Council Member Robert Dekker MOVED to table the amendment to the Business License Ordinance until the next Regular City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

ROGER ROPER, STATE HISTORIC PRESERVATION COMMISSION: GRANT MONEY

Mayor Dafoe welcomed Roger Roper, State Historic Preservation Commission, and asked him to address the City Council.

Roger Roper presented a check to Delta City from the State Historical Society in the amount of \$1,765, which was a reimbursement of grant money for architectural fees and information brochures for the Topaz Museum.

Mayor Dafoe said that in the last Regular City Council Meeting re-roofing and repairs needed for the log cabin in the City Park were discussed. He then said that the \$1,765 could be paid

toward the cost of repairs. Council Member Dale Roper has talked to Daughters of Utah Pioneers representative Marilyn Stoddard and she will form a committee to discuss the repairs for the log cabin. It was recommended that the re-roofing be completed before this winter.

JIM MITCHELL, CHERRYWOOD ESTATES SUBDIVISION: REQUEST TO DEED
DELTA CITY'S DRAINAGE EASEMENT ON CHERRYWOOD ESTATES SUBDIVISION
TO JIM MITCHELL

Mayor Dafoe asked Jim Mitchell, Cherrywood Estates Subdivision, to discuss an easement at the Cherrywood Estates Subdivision.

Jim Mitchell explained that when he appeared before the City Council at the last Regular City Council Meeting requesting approval of the final plat for the Cherrywood Estates Subdivision, he was unaware of a storm drain easement that has been held by Delta City since 1989. He requested that the City Council release the easement to him so he can proceed with the sale of properties.

Following brief discussion, Council Member Gayle Bunker MOVED to release the easement on certain properties owned by Jim Mitchell. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Attorney Richard Waddingham was instructed to prepare the necessary paperwork in order to release the easement to Jim Mitchell.

COUNCIL MEMBER GAYLE BUNKER: APPOINTMENT OF PLANNING COMMISSION
AND CHAIRMAN

Council Member Gayle Bunker said that Larry Taylor is unable to complete his term as Planning Commission Chairman, and he has submitted a letter of resignation. Mr. Bunker recommended that Phillip Sabey be appointed to fill Mr. Taylor's term and that Pauline Warner be appointed as Chairman of the Planning Commission.

Following brief discussion, Council Member Gayle Bunker MOVED to appoint Phillip Sabey to fill Larry Taylor's term on the Planning Commission and to appoint Pauline Warner as Chairman of the Planning Commission. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

JUDGE STANLEY ROBISON: APPOINTMENT OF JUDGE PRO TEMPORE

Judge Robison was unable to attend the meeting and requested that Richard Waddingham explain to the City Council the need to appoint a Municipal Judge Pro Tempore to act in his absence.

Attorney Waddingham explained that Delta City is now required to appoint a Judge Pro Tempore if Mr. Robison is not available to execute warrants for violations that occur within Delta City

limits and to hear those cases in which he may have a conflict. He recommended that Judge Ronald Hare and Judge Daniel Hansen both be appointed as Judge Pro Tempore.

Following brief discussion, Council Member Robert Dekker MOVED that Judge Ronald Hare and Judge Daniel Hansen be appointed as Judge Pro Tempore. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: DELTA CITY R&PP SHOOTING RANGE R&PP LEASE/PATENT UTU-58554

Mayor Don Dafoe presented and reviewed the following letter from the Bureau of Land Management with the City Council:

This letter is concerning the Delta City R&PP public shooting range lease (with option to purchase), serial number UTU-58554. On April 28, 1989, said lease was issued to Delta City for a period of 5 years and on April 28, 1994, it was renewed for one year.

On August 10, 1994, during a telephone conversation between you and Ms. DeMille, you stated that: 1) at this time, financial resources do not allow Delta City to purchase the site under the Federal Land Policy and Management Act (FLPMA), 2) Delta City has a substantial invested financial interest in the developed facilities, 3) the surrounding area has demonstrated a continued need, demand, and practical interest for such a facility since it serves as an essential component for law enforcement support and for general public recreation and safety, 4) given these considerations, Delta City perceives the site as having a permanent usefulness for shooting range purposes and does not anticipate abandoning the site or changing its use, therefore, 5) Delta City wishes to proceed with the purchase of the public land under the authority of the R&PP Act of 1926, as amended (43 U.S.C. 869, et seq.).

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It has been determined that activities authorized under R&PP lease/patent UTU-58554 do not fall under the jurisdiction of the Resource Conservation and Recovery Act (RCRA) as long as the site remains a small arms shooting range. If, however, the site is abandoned or its use as a shooting range discontinued, then Delta City agrees to be responsible to remediate and/or clean-up the site and remove any contaminated soil or hazardous waste if so classified (i.e., lead contamination), and to assume total liability for all claims and financial costs associated with the remediation and/or clean-up in accordance with RCRA policy and procedures (see the enclosed U.S. Environmental Protection Agency (EPA) letter dated 9/06/88 and Utah Department of Environmental Quality, Division of Solid and Hazardous Waste (UDSHW) letter dated 08/24/94).

Therefore, we have enclosed for your careful review and consideration the proposed patent information and Indemnification Patent Provision statement. The indemnification statement has our solicitor's approval and acknowledges that, upon conveyance of patent, the City of Delta accepts full responsibility and liability for the subject shooting range.

If you are in agreement with the above, then we request that you date, sign, and return one of the enclosed indemnification statements to this office within two weeks of receipt of this letter. You may retain the second copy for your records. Upon receipt, we will forward the Delta City R&PP case file UTU-58554 to our State Office with the recommendation that the patent be issued to Delta City.

Mayor Dafoe then requested the City Council's authorization to sign the Indemnification Patent Provision for Delta City Shooting Range - R&PP UTU-58554.

Attorney Richard Waddingham cautioned the City Council that in the event the property was not used as a public shooting range, the property may be deemed a hazardous waste site by virtue of the amount of lead on the property and its proximity to the river which could seriously affect the water supply, however remote it could be. Furthermore, the very nature of its use may be considered a potential liability to the City.

Following discussion, Council Member Dale Roper MOVED to authorize Mayor Dafoe to sign the Indemnification Patent Provision as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe then signed the Indemnification Patent Provision.

MAYOR DON DAFOE: DISCUSSION OF PROPOSED STREET LOCATED AT 450 NORTH FROM 100 WEST TO 350 EAST

Mayor Dafoe displayed a map that was drawn up by Sunrise Engineering showing the area for a proposed street located at 450 North from 100 West to 350 East, which would provide access to the new multipurpose facility, the High School, and Middle School, etc.

Lengthy discussion was held regarding a proposed street and it was determined that the storm drain needs to be extended 300 feet and the sewer line needs to be extended 2900 feet. The total cost of the street, including curb, gutter, sidewalk, sewer and asphalt is approximately \$100,000.

Parking areas were discussed for the new multipurpose center, and the School District has indicated that they do not have funding available to participate in the cost of the proposed street or for any parking areas.

Following discussion, Council Member Robert Dekker MOVED to table discussion of this issue until the next Regular City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DEKKER: DELTA CITY STREETS

Mayor Dafoe asked Council Member Robert Dekker to discuss Delta City streets with the City Council.

Council Member Robert Dekker presented a Spring 1994 Projects list to the Mayor and City Council. He explained that the list was prepared by Public Works Director Neil Forster and Mayor Dafoe. He reviewed the list and explained that the projects have not been prioritized. Following discussion of the list, Mr. Dekker recommended that the City Council prioritize the list and provide a cost estimate for each project. This would allow each Council Member the same information for street projects when approached by citizens. If a high priority street project needs comes up, it should be brought before the City Council for their approval and the list should then be amended.

Rusty and Margaret Duston were in attendance and requested that their street be moved up on the priority list. The City Council agreed that their street would be built up to allow proper drainage before the end of the year.

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Mayor Dafoe, Councilman Dekker, and Neil Forster will meet and review and prioritize the street project list for Council's review and approval.

Following discussion, Council Member Robert Droubay MOVED to table discussion of the street project list until the next Regular City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Dafoe reported that the Public Works Department will be doing chip seal on 30 blocks next week.

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The Employee Christmas Party was briefly discussed.

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Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Droubay MOVED to adjourn. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 9:20 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
City Recorder

MINUTES APPROVED: RCCM 5-08-95